

REMARKS

Applicant has studied the final Office Action dated May 14, 2008. Claims 1, 2, 4, 7, 8, and 10-25 are pending. Claims 11-22 have been withdrawn from consideration due to a previous restriction requirement. Claims 1, 11, 12, 19, 21, and 22 are independent claims. It is submitted that the application, as previously presented, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

§ 103 Rejections

Claims 1, 4, 7, 8, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heemskerk et al. ("Heemskerk" U.S. Patent No. 6,628,584) in view of Lee et al. ("Lee" U.S. Patent No. 6,442,128). This rejection is respectfully traversed.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

"In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. 'A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art.' If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned." (citations omitted.)

With regard to the rejection of independent claim 1, it is respectfully noted that the Examiner admits that Heemskerk does not explicitly disclose that the second data type includes identification information for detecting the second data type included in the recorded data when the recorded data is reproduced. However, the Examiner asserts that Lee discloses identification information for detecting a second data type, citing b28 linking data in FIG. 2. The Examiner further asserts that it would have been obvious to have applied the teaching of Lee to the read-only recording medium of Heemskerk, "the

motivation being to distinguish between rewriteable, read-only, or linking data on an ID area where information relating to basic recording units is stored on a unit-by-unit basis,” citing column 2, lines 50-55 of Lee. Applicant respectfully disagrees with the Examiner.

It is noted that the cited FIG. 2 of Lee shows the configuration of an identification data (ID) area for a DVD-R/RW/RAM as disclosed at column 4, lines 14-15. As described on page 2 in the specification of the present application, DVD-R is ‘write-once’ and DVD-RW or DVD-RAM is ‘rewritable,’ and the ‘write-once’ and ‘rewritable’ type media are distinguished from a ‘read-only’ recording medium, such as DVD-ROM. It is respectfully submitted that the present invention, which is directed to a read-only recording medium containing recorded data, as recited in independent claim 1, is clearly distinguishable from the write-once or rewritable DVD-R/RW/RAM disclosed in Lee. Therefore, it is further respectfully submitted that the disclosure of Lee is not combinable with Heemskerk to arrive at the presently claimed invention.

Furthermore, in response to the Examiner’s assertion that b28, which is disclosed in FIG. 2 of Lee and allegedly indicates linking data, is analogous to the identification information for detecting a second data type, as recited in independent claim 1, it is noted that the reserved bit b28 is used as a linking data flag to distinguish practically-usable data such as rewritable and read-only data from linking data. (column 4, lines 17-20). In particular, it is noted that when linking data is indicated by the bit b28, in the case of a DVD-R, the presence of “0” in bit b25 positively indicates read-only data, and the presence of “1” in bit b25 indicates a reserved area, and in the case of a DVD-RW, “0” and “1” in the bit b25 positively indicates read-only and rewritable data, respectively. (column 4, lines 26-31). Therefore, it is respectfully submitted that b28 disclosed in Lee is merely used to distinguish practically-usable data, and thus, is not the same as the identification information for detecting the second data type included in the recorded data when the recorded data is reproduced, as recited in independent claim 1.

Moreover, it is noted that the bit position b28 of a sector disclosed in Lee, which indicates the linking data, links sectors while the second data type in the presently

claimed invention links ECC data units or blocks in the first data types, as exemplified in FIG. 3. Lee discloses that the asserted information representing a data type of data is recorded in a sector and this information is recorded in a sector information field of each sector. In other words, the data type information is recorded in each sector and the sector is the minimum division unit for data access in Lee.

It is respectfully submitted that the at least one ECC data unit of the present invention is distinguishable from the sector disclosed in Lee because the at least one ECC data unit comprises a plurality of sub-units, as recited in independent claim 1, and thus, is not the minimum division unit for data access. Therefore, in Lee, the data type information of each sector must be inserted into every sector while the identification information recited in independent claim 1 is not inserted into every sector. (see FIG. 3 in the present application, for example). In summary, the identification information recited in independent claim 1 indicates linking area which links the ECC blocks while the data type information disclosed in Lee indicates linking area which links sectors. Therefore, it is respectfully submitted that the present invention according to independent claim 1, which does not insert the identification information in each sector as in Lee, is advantageous over Lee, saving space and time for recording and reproducing the data.

In view of the above discussion, it is respectfully submitted that Lee fails to cure the deficiencies of Heemskerk with respect to the feature, the second data type includes identification information for detecting the second data type included in the recorded data when the recorded data is reproduced, as recited in independent claim 1. It is respectfully asserted that independent claim 1 is allowable over the cited reference. It is further respectfully asserted that claims 4, 7, 8, and 10, which depend from claim 1, also are allowable, at least, by virtue of their dependence from claim 1.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Heemskerk and Lee in view of Sasaki et al. ("Sasaki" U.S. Patent No. 6,762,984). This rejection is respectfully traversed.

As asserted above, independent claim 1 is allowable over Heemskerk and Lee. Moreover, it is respectfully submitted that Sasaki fails to cure the above-identified deficiencies of Heemskerk and Lee with respect to independent claim 1. Therefore, it is respectfully asserted that independent claim 1 is allowable over the cited combination of references. It is further respectfully asserted that claim 2, which depends from claim 1, also is allowable over the cited combination of references.

Claims 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Heemskerk and Lee in view of the admitted prior art. The rejection is respectfully traversed.

As previously asserted, independent claim 1 is allowable over Heemskerk and Lee. Moreover, it is respectfully submitted that the admitted prior art fails to cure the above-identified deficiencies of Heemskerk and Lee with respect to independent claim 1. Therefore, it is respectfully asserted that independent claim 1 is allowable over the cited combination of references. It is further respectfully submitted that claims 23-25, which depend from claim 1, also are allowable over the cited combination of references.

CONCLUSION

In view of the above remarks, Applicant submits that claims 1, 2, 4, 7, 8, 10, and 23-25 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.


If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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